

תרומות ומעשרות

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לא יהיה לא תנאף
לא תשא לא תגנב
זכור את לא תענה
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Offerings and Tithes
Terumot U'Maasrot

translated by
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תרומות ומעשרות

Offerings and Tithes - Terumot U'Maasrot

The obligation to separate from the fruits for the priest, the Levite, the poor, and the second tithe (they elaborate on this in all the tractates of Terumot, Ma'asrot, Ma'aser Sheni, Demai).

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The amount of separation

There is a difference in the amount of separation between the different types of offerings and tithes.

Great offering: Its measure from the Torah is any amount, and the sages gave a measure: 1/40-generous eye, 1/50-average eye, 1/60-stingy eye[1].

First tithe: 10% of the amount of the existing produce. Tithe offering: 10% of the first tithe, meaning 1% of the total produce. Second/poor tithe: 10% of the amount of produce remaining after the first tithe and the offering.

	Amount	To whom it is given	Its laws	Today
Terumah Gedolah	From the Torah: any amount. Rabbinically: generous eye – 1/40, average eye – 1/50, stingy eye – 1/60.	To the Kohen	May be eaten in purity by the Kohen and his property only (forbidden to non-Kohanim)	Any amount is separated and buried or burned
Ma'aser Rishon	1/10	To the Levi	Chullin, property of the Levi	May be eaten by a Yisrael
Terumat Ma'aser	1/100 (tithe from the tithe)	The Levi gives it to the Kohen	Its laws are like those of Terumah Gedolah	1/100 is separated and buried or burned
Ma'aser Sheni	1/10	Consumed by the owner	Separated in years 1, 2, 4, and 5 of the Shemittah cycle. Eaten in Jerusalem in purity	Redeemed for money
Ma'aser Ani	1/10	To the poor	Separated in years 3 and 6 of the Shemittah cycle. Chullin	Given to the poor or to charity organizations

Source and Reason

The source of each type of tithes and offerings is learned from a different verse:

A. Terumah - "The first of your grain, your wine, and your oil, and the first of the fleece of your sheep, you shall give him" (Deuteronomy 18:4).

B. Ma'šer ri'šôn - First Tithe - "And to the sons of Levi, behold, I have given all the tithe in Israel as an inheritance" (Numbers 18:21).

C. Ma'aser Sheni - "You shall surely tithe all the produce of your seed, that comes forth from the field year by year. And you shall eat before the Lord your God in the place which He shall choose to cause His name to dwell there, the tithe of your grain, your wine, and your oil" (Deuteronomy 14:22).

D. Ma'aser anî - Tithe for the poor - "When you have finished tithing all the tithe of your produce in the third year, the year of the tithe, and you shall give it to the Levite, the stranger, the orphan, and the widow, and they shall eat within your gates and be satisfied" (Deuteronomy 26:12).

E. Těrûmat ma'šer Tithes of the tithe - "And to the Levites you shall speak and say to them, when you take from the children of Israel the tithe which I have given you from them as your inheritance, then you shall offer up a heave offering of the Lord, a tithe of the tithe" (Numbers 18:26).

F. Challah - "The first of your dough, you shall set apart a loaf as a gift; like the gift from the threshing floor, so you shall set it apart" (Numbers 15:20).

And from this verse also learn that challah is called "terumah" and its laws are like the law of terumah (Rashi Kiddushin 53a, s.v. and behold challah).

In the reason for the prohibition of terumah, they discussed whether in the separation the prohibition of tevel is removed only from the rest of the chullin and remains on the terumah regarding non-priests, or if it is a prohibition in itself (Etván De'oraita 2 at the beginning s.v. I was uncertain).

And the decipherer of secrets (10-6) investigated whether untithed produce is forbidden because the terumah is mixed in it, or if terumah is the prohibition of the untithed produce that remains).

In the essence of the prohibition of terumah, they discussed whether it is a prohibition of the object or a prohibition of the person, since it is not forbidden to the entire world, for priests are permitted in it (Etván De'oraita 10 at its end).

In their sanctity of tithes and offerings, the collection divided the lessons (Kiddushin 42 at its end) thus:

A. Ma'aser - Tithe - there is no sanctity in it at all, for it is permitted to non-priests.

B. Ma'aser Sheni - Second tithe - it has sanctity, for it is called holy, but its sanctity derives only from the acquisition for the Most High, like the sanctity of money (and not like the sanctity of the body where the acquisition for the Most High derives from the sanctity) for it has redemption.

C. Terumah - it has sanctity of the body (which does not stem from acquisition for the Most High).

And wrote that there is a practical difference to the law of spreading holiness, that is, when one separates half a wheat - does it spread over the entire wheat. Because spreading holiness pertains only to the holiness of the body[2].

Parts of the commandment are two (Mahartz Chayes Gittin 20 on Tosafot s.v. dilma (regarding terumah))s Error: Type:: Book:Mahartz Chayes Gittin 20.

On T.D.H. Perhaps Chapter: Regarding Verse: Offering S.K.L.: Mahara"tz Chayut Gittin 20. On T.D.H. Perhaps Mahara"tz Chayut Gittin 20. On T.D.H. Perhaps Regarding :

A. hahafra'ah - The separation - to annul the prohibition of tevel, and for this it is sufficient to separate any amount.

B. hanotinah - The giving (to a Kohen or a Levite) - and for this a measure is needed.

And the commentators disagreed whether to count these two parts as one commandment (Rambam and Chinuch, discussed in their words Minchat Chinuch 297-1 [1] s.v. And behold (regarding the first tithe), 442-1 [1] s.v. And behold also (regarding the second tithe), 385-1 [11] (regarding challah)) Error: Type:: Book:Rambam and Chinuch discussed in their words Minchat Chinuch Chapter:297 Verse:[1] Scale:Rambam and Chinuch discussed in their words Minchat Chinuch Rambam and Chinuch discussed in their words Minchat Chinuch 297, or to divide them into two separate commandments (Ramban as brought in Minchat Chinuch there.

MaHaRaTZ Chayut Gittin 20.

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MaHaRaTZ Chayot Gittin 20.

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Maharetz Chayes Gittin 20 on Tosefot s.v. Dilma (regarding Terumah) and he brought that thus wrote also the aforementioned Ramban Tosafot Rid Kiddushin end 2 Noda Biyhuda Mahadura Tinyana Yoreh De'ah.

The Separation

In the reason for separating terumah, the opinion of Rashi (Gittin 47b) is that it is only because of the gifts to the priesthood, and the opinion of the Taz (Yoreh De'ah Error: Type:: Book:Yoreh De'ah Chapter:1 Verse: Note:Yoreh De'ah Yoreh De'ah 1) is that it is a commandment in its own right.

And there is a practical difference when there are no priestly gifts, is there still a commandment to separate (in their dispute, Sha'arei Yosher discusses 5-7 beginning with "And according to this" in the uncertainty error: type:: book:in their dispute, Sha'arei chapter:Yosher verse:5 scale:in their dispute, Sha'arei in their dispute, Sha'arei Yosher).

In the matter of the separation of terumah, the Gaon Rabbi Elchanan Wasserman investigated whether it pertains to the laws of acquisitions or the laws of prohibitions, and thus he explained the problem of the Jerusalem Talmud (Terumot 1:1) whether it is possible to separate terumah from ownerless property or for ownerless property - that in acquisitions, it is impossible to make an acquisition on something that is not his (and even if the owner does not object), and in prohibitions, it is possible to prohibit something that is not his if the owner does not object, and in ownerless property, there is no one to object (Kovetz He'arot Hashmatot 22 (to Siman 72:4).

And so the investigation of study in Lomdot 7, and he added a third side that it is both acquisitions and prohibitions together)S Error: Type:: Book:Collection of Notes Omissions 22 (to sign 72-4).

And so the investigation of study in disciplines Z and added a third side that it is also acquisitions and also chapter: prohibitions verse: together stoned: collection of notes omissions 22 (to sign 72 D).

And so the investigation of study in Lomdot Z and added a third side that it is also acquisitions and also a collection of notes omissions 22 (to sign 72 D).

And so the investigation of study in Lomdot Z and added a third side that it is also acquisitions and also prohibitions.

Terumah, terumat ma'aser and ma'aser are separated by thought.

To Rashi, it is not even necessary to separate but only thought (Kiddushin 41a: s.v. bemachshava), and to Tosafot, it is indeed necessary to separate but speech is not required and thought suffices (Chullin 6a: Tosafot s.v. vehatir error: type:: book:Chullin 6a: chapter:Tosafot verse:vehatir scale:Chullin 6a: Chullin 6a: Tosafot).

And from the Rambam it implies like Tosafot that it is necessary to separate (Terumot 4:16. In their dispute, Minchat Chinuch discusses 92:1 [2] s.v. "and Terumot" and 115:1 [3] Error: Type:: Book: Terumot 4:16.

In their dispute, Minchat Chinuch, Chapter: 396, Verse: [2], Skel: Terumot 4:16. In their dispute, Minchat Chinuch, Terumot 4:16. In their dispute, Minchat Chinuch, 396).

In the knowledge of separating terumah, the later authorities wrote that one needs actual thought (intention, decision in his heart), and not just desire (consent, satisfaction) (R. Shimon Shkop Bava Metzia 20 at its beginning and Kuntresei Shiurim Nedarim 1-15 s.v. the error: type:: book:R. Shimon Shkop Bava Metzia 20 at its beginning and Kuntresei Shiurim chapter:Nedarim verse:1 scale:R. Shimon Shkop Bava Metzia 20 at its beginning and Kuntresei Shiurim R. Shimon Shkop Bava Metzia 20 at its beginning and Kuntresei Shiurim Nedarim) (and Bava Metzia 16-8 s.v. and it seems to me error: type:: book:and Bava chapter:Metzia verse:16 scale:and Bava and Bava Metzia)[3].

Indeed, the Rogatchover investigated this between three sides: whether one needs to want, or to agree, or not to be particular (Mefa'aneach Tzefunot 13-Gas Error: Type:: Book:Mefa'aneach Chapter:Tzefunot Verse:13 Scale:Mefa'aneach Meфа'aneach Tzefunot).

Details of the Law

The place where the obligation of separation applies

As is known, the commandment of separating tithes and offerings applies only to the fruits and vegetables that grow in the Land of Israel.

To understand what the boundaries of the land are concerning the commandments of tithes and offerings, it is necessary to preface that there are two types of sanctity in the Land of Israel.

The one sanctity is not dependent on the people of Israel, and it is the intrinsic sanctity of the land for all its biblical boundaries.

And the second holiness, is the holiness revealed in practice through the commandments dependent on the land, which is revealed in perfection only when the people of Israel dwell in their land.

Twice was the Land of Israel sanctified concerning the commandments, and each time the borders of the land were different. The first time was during the period when the exodus from Egypt, led by Joshua son of Nun, conquered the land.

At that time, the area within the borders of the conquest was relatively large, and it included the western and eastern Transjordan and the Golan and Bashan.

However, after the first Temple was destroyed, and Israel was exiled from their land to Babylon, the sanctity of the commandments dependent on the land was completely nullified.

(Except for the sanctity of the Temple Mount, the place of the Temple, which remained in its full force, Rambam Hilchot Beit HaBechira 6:16).

In the second time, the land was sanctified by the returnees from Babylon with Ezra the Scribe at their head, and then the areas that were sanctified were relatively limited, and they included Judea and Samaria and only parts of the Galilee, the Negev, and the Golan.

However, on the other hand, this sanctity that they sanctified remained forever, and even after the Second Temple was destroyed, and Israel was exiled from their land, the sanctity of the commandments dependent on the land remained, in all that area that the returnees from Babylon held.

And even today, only in all those places that the returnees from Babylon held, there is a commandment to separate tithes and offerings.

(But when the majority of Israel dwells on their land, these commandments are from the Torah, and when a minority - their obligation is rabbinic).

And the reason for this is that the first sanctity with which the Land of Israel was sanctified, at the time of the entry of those who ascended from Egypt, was dependent on conquest, and consequently, when the First Temple was destroyed and we were exiled from our land and the land was conquered by foreigners, the sanctity was nullified.

But the second sanctity that was sanctified at the time of Ezra's ascent did not rely on the conquest, for we were then under Persian rule.

But the second sanctity relied on the presumption of settlement, and the presumption is never nullified (Rambam, Hilchot Terumot 1:5; and Hilchot Beit HaBechira 6:16).

It is possible that the difference lies in the fact that conquest is an external action, and if the sanctity depends on conquest, when the conquest is nullified, the sanctity will be nullified.

But the sanctity that Ezra sanctified, relied on the presumption of settlement that depends on the eternal connection between Israel and the land, and this connection is not nullified eternally.

And therefore, in practice, if a Jewish family or even a tribe goes to live in Lebanon or across the Jordan or in the southern Negev, although from the perspective of the borders of the promise, this place is considered part of the Land of Israel and the commandment of settling the land is fulfilled there, in any case, tithes and offerings are not separated there.

Because this place is not included in the places sanctified by Ezra (and see in Peninei Halacha "The People and the Land" 3, 14-18, more on the borders of the land).

In practice, regarding the fruits growing south of Ashkelon, there is a dispute, and they separate without a blessing. And from the middle of the Arava there is no doubt, and they do not separate tithes and offerings. (Peninei Halakha)

Which fruits are obligated in tithes and offerings?

The Rambam holds that all trees are obligated in tithes and offerings from the Torah, and according to the Raavad and Rashi only wine and oil (Rambam Maaser 1:9 and Radbaz there, Rambam Terumot 2:1 and Kesef Mishneh there).

And the Kesef Mishneh added that from the Yerushalmi and the Sifrei it implies like the Rambam's error: type:: book: Rambam Maaser 1-9 and Radbaz there Rambam Terumot 2-1 and Kesef Mishneh there.

And added the Kesef Mishneh that from the Yerushalmi and the Sifrei chapter: implies verse: like Rambam SKL: Rambam Maaser 1:9 and Radbaz there Rambam Terumot 2:1 and Kesef Mishneh there.

And the Kesef Mishneh added that from the Yerushalmi and the Sifrei Rambam Ma'aser 1:9 and Radbaz there Rambam Terumot 2:1 and Kesef Mishneh there. And the Kesef Mishneh added that from the Yerushalmi and the Sifrei it implies).

In general, any fruit or vegetable that grows in the Land of Israel, it is forbidden to eat them or use them as long as tithes and offerings have not been separated from them.

However, there are several rules that define more precisely which fruit is obligated in tithes and which fruit is exempt.

The first rule is, that the fruit needs to be guarded, meaning it belongs to some person who guards it. But fruits that grow ownerless, are not obligated in tithes and offerings.

For example, travelers who found on their way a wild fig tree growing in a field and belonging to no one, they are permitted to eat from its fruits without separating tithes, and even if they later bring it into their home.

And so is the law regarding all the fruits that grow in ownerless property (Shulchan Aruch Yoreh De'ah 331:16).

And there is another condition, that only food intended for humans is obligated in tithes and offerings, but animal food is exempt, and also garden seeds are exempt.

For example, an onion that is grown for seed, there is no need to separate tithes from the seeds that come from it, because they are not fit for human consumption (Shulchan Aruch Yoreh De'ah 331:13).

Spices that are also eaten, that mix within the food, like parsley and mint, one must separate from them tithes and offerings.

And spices that are used only for giving flavor, such as tea leaves, which give flavor only and are not eaten afterwards, according to the Rambam and the Tosafot and other Rishonim, there is no need to separate from them tithes and offerings.

And there are those who obligate. In practice, Rabbi Mordechai Eliyahu, may he live a long and good life, ruled to separate from them tithes without a blessing. And see in the book “The Torah and the Land” vol. 4, p. 10 and onward.

There is no obligation of tithes and offerings before the completion of the work of gathering the fruits.

And in a fruit tree that grows in a courtyard where the public is not permitted to enter without permission, if one picks from it a single fruit to eat in the courtyard, and this is a fruit that is eaten as one, like a fig or a date, one does not separate from it tithes and offerings, because this is a temporary eating and does not constitute the completion of the gathering work.

But if they pick two fruits or bring the fruit into the house, the fruit becomes obligated in tithes, because this is the completion of work in this picking.

And if this is a large fruit that is not eaten as one, like an apple, cucumber, and a cluster of grapes, behold in its picking there is already a certain completion of work, and it is forbidden to eat from it without separating tithes and offerings (Rambam, Hilchot Maaser 4:15-17).

But if the fruit tree grows in the field, that is, in its place, but if a person enters there, they will not be rebuked, and likewise in the garden, that is, in a place entirely designated for trees, one can pick many fruits there and eat them temporarily, and as long as they have not brought them into their courtyard or house, they are not obligated in tithes and offerings (Chochmat Adam Sha’ar Mitzvot Ha’aretz 6, 2).

A non-Jew who has land in the Land of Israel, and grew fruits or vegetables on it and picked them and gathered them, those fruits are exempt from tithes and offerings, because the non-Jew has removed them from their obligation (Shulchan Aruch Yoreh De’ah 331:4).

By the way, this is a reason for the special stringency regarding one who sells land to a non-Jew in the Land of Israel, not only has he transgressed “and you shall not show them favor” (Deuteronomy 7:2), but he has also removed the fruits that grow there from tithes and offerings.

Definitions of the Year Concerning Tithes and Offerings

As is known, Tu Bishvat is the New Year for the trees.

To understand the halachic significance of the New Year for Trees, one must first preface that there is a fundamental rule in all the laws of separating tithes, that one does not separate from the fruits of one year for those of another.

The yield of the year is considered as one unit regarding tithes and offerings, and it is necessary to be careful to separate the tithes and offerings from the yield of that annual unit.

And the question is, when exactly does a new year begin. And in this there is a difference between vegetables and trees, that the new year for vegetables is on the 1st of Tishrei, whereas the new year for trees falls on the 15th of Shevat.

And the reason for this is, that on the fifteenth of Shevat occurs the turning point in the trees.

At the beginning of the winter, the tree gathers within itself, its leaves fall, and it is as if it falls asleep, and at the same time it stores up strength for itself to grow the fruits of the coming year.

On the 15th of Shevat, the turning point occurs, and from here on the trees begin to awaken to life, small leaves begin to sprout, and likewise the flowers from which the fruits will later develop appear in a variety of colors.

Indeed, not all the trees are equally vigorous, but generally it can be said, that the beginning of the change in the trees occurs on the fifteenth of Shevat, and therefore the sages established the fifteenth of Shevat as the New Year for the trees.

And the vegetables that do not have a turning point dependent on a specific season, for them we follow the regular Rosh Hashanah, which is the 1st of Tishrei.

And in practice, the determining stage regarding the fruits is the stage of setting.

We will not enter here into the details of the definition of the budding, only say in general, that there are those who say it is at the time of the falling of the flower petals (Tosafot Rosh Hashanah 12b), and there are those who say it is from the time the fruits have reached a third of their growth (Rambam).

And for our matter, all the fruits that budded before the 15th of Shevat are considered fruits of the previous year, and one should not separate tithes from them for the fruits that budded after the 15th of Shevat.

And if they separated from the fruits of one year for those of another, they have not fulfilled the obligation of separating tithes and offerings (Rambam, Hilchot Terumot 1:5).

As a rule, the fruits that were picked from the beginning of the summer until the winter, are fruits whose budding was after the last Tu Bishvat. Likewise, this is important regarding 'Second Tithe' and 'Poor Tithe'.

As is known, in the first year, the second, the fourth, and the fifth of the Sabbatical cycle, the second tithe is separated, whereas in the third year and the sixth, the tithe for the poor is separated.

And in trees, one must pay attention that the second year in which 'second tithe' is separated does not end on the 1st of Tishrei, but it continues until the 15th of Shevat, which is the New Year for trees.

And so the third year in which the tithe for the poor is separated, practically extends for trees until the fifteenth of Shevat of the fourth year.

And at any time a person has a doubt whether the fruits before him belong to the year of 'Second Tithe' or 'Poor Tithe', he should separate out of doubt both tithes.

He shall first separate 'Second Tithe' and redeem it on a coin without a blessing.

And afterwards he shall say: "And if these fruits are obligated in 'poor tithe', a tenth part of them on the south side (or any side that he shall determine) behold it is 'poor tithe'".

And there is no need to give them to the poor, because as long as there is no proof that these fruits belong to the year of 'tithe for the poor', there is no obligation to give them to the poor, for "the burden of proof rests upon the claimant."

But if it is known that the fruits are from the last year, but the one who separates does not remember which year it is in the Sabbatical cycle, he must give the tithe to the poor.

For such a doubt is not genuine, and it is not possible based on such a doubt to be exempt from giving 'tithe for the poor'.

It should be noted that there is an additional difference between tree fruits and vegetables, as we have learned that the year of tree fruits is determined by the budding, however, the year of vegetables is determined by the time of their picking.

Untithed Produce and Doubtfully Tithed Produce

Now we will explain what the concepts 'Tevel' and 'Demai' mentioned in the words of the Mishnah (in Tractate Demai) regarding tithes and offerings are. 'Tevel' are fruits from which tithes and offerings have certainly not been separated.

And 'Demai' are fruits that there is doubt if tithes and offerings were separated from them.

The word 'Demai' is in Aramaic, and in Hebrew its meaning is, 'what is this', meaning these fruits what are they, are they tithed or not?

And the sages ordained that also from fruits regarding which there is a doubt if they were tithed or not, one must separate tithes and offerings, but there are several halachic differences between the separation of demai fruits and definite fruits.

The main difference is regarding the blessing, that if one separates from fruits that certainly require separation, before the separation he blesses: "Blessed are You, Lord our God, King of the universe, who has sanctified us with His commandments and commanded us to separate tithes and offerings."

However, when separating from demai fruits which are doubtful, one should not bless, because of the well-known rule "in cases of doubt regarding blessings, be lenient," and therefore always when there is doubt whether one needs to perform any mitzvah, although one is stringent and fulfills it, in any case, one should not bless over it.

And so regarding the blessing of the redemption of 'Second Tithe'.

In years when 'Second Tithe' is separated, one must redeem the 'Second Tithe' on a perutah, and again, if the fruits are demai, and all the separation is out of doubt, one should not bless at the time of redeeming the 'Second Tithe'.

And another difference exists regarding 'first tithe' and 'poor tithe', that in the fruits of demai one must designate a place for them, but there is no need to give them to the Levite and the poor, because of the principle "the burden of proof is on the claimant," and as long as the poor and the Levite have not proven that 'first tithe' and 'poor tithe' have not been separated from these fruits, the tithes are not given to them.

In practice, when buying fruits in the market or in stores, and there is no certificate or reliable testimony that tithes and offerings have been separated from the fruits, one must separate all the tithes and offerings out of doubt, but one does not bless this separation, and there is no need to give the 'first tithe' fruits to a Levite, and the 'poor tithe' fruits to a poor person.

Great Heave Offering

The first stage in the separation of tithes and offerings is the separation of 'Terumah Gedolah'. One of the laws that distinguishes 'Terumah Gedolah' is that it has no fixed measure.

Unlike the tithes and the tithe of the tithe which have a measure from the Torah, for the 'great tithe' the Torah did not set a measure.

And even if a person has a threshing floor full of wheat, according to the Torah, he can take one wheat grain, and exempt the entire threshing floor from the obligation of 'terumah-gedolah'.

However, the sages established three levels in the giving of 'Terumah Gedolah'. Those who have an evil eye, separate for 'Terumah Gedolah' one part in sixty of the fruits, (which is 1.67%).

Those who have a medium eye, meaning they are neither stingy nor generous, give one-fiftieth, which is two percent of the fruits.

And the generous ones with a good eye, separate one part of forty from the fruits for 'Terumah Gedolah', which is two and a half percent.

But today the law has changed, and they separate for the 'great-offering' the smallest possible measure.

The reason for this is, that in terumah there is holiness, and only to the priests it is permitted to eat it, and also to the priests themselves it is permitted to eat the terumah only at the time they are pure. And today all the priests are presumed impure.

For anyone who touched a corpse or was under one roof with a corpse, behold, he is impure, and likewise, one who touches that person who touched a corpse or was under one roof with a corpse - impure, and even the clothes and vessels that touched the corpse render impure anyone who touches them.

And all the time that we do not have the ashes of the red heifer, by which they would be purified, it is not possible to become pure.

And therefore, in practice, there is no possibility today to eat terumah. For this reason, there is no point in separating a large amount for terumah at this time, since in any case it is thrown away.

And since according to the Torah any amount suffices, it is customary at this time to separate for 'Terumah-Gedolah' a very small amount, and with this, one fulfills the obligation of separating 'Terumah-Gedolah'.

And another law is derived from the fact that we are impure today. From the essence of the law, it was necessary to separate for the 'great-terumah' and the 'tithe-terumah' from the superior part of the fruits.

However, today, since in any case the terumah is lost, it is permitted to separate 'terumah' and 'terumat ma'aser' from the defective part of the fruits, such as rotten fruits or spoiled parts of fruits, but not from the peels which are not part of the fruit's flesh (Shulchan Aruch Yoreh De'ah 331:52).

Look at note 4 to Halacha 9, that in certain cases they give the terumah to the priests for the food of their animal).

First Tithe

After the separation of 'Terumah Gedolah' designated for the Kohen, comes the turn of 'Maaser Rishon' designated for the Levite.

Before everything, it is necessary to emphasize the main difference between the 'Terumah' and the 'First Tithe'.

In 'Terumah' there is holiness, and therefore only the priest himself when he is pure can eat it, and of course, he is forbidden to honor his fellow Israelite or Levite with eating it.

However, in 'First Tithe' given to the Levite there is no sanctity, but the Torah commanded to give a tithe from the fruits to the Levite, so that the Levite can be freed from agricultural work and establish the spiritual side of the people of Israel through engagement in Torah and education.

By the way, this is the reason why the Levites were scattered throughout the land, so that they could meet with the entire public, and engage in education and spiritual guidance.

Do they give today the first tithe to the Levite?

Despite that according to the opinion of the overwhelming majority of the poskim, the first tithe should be given to the Levite, in practice many currently are accustomed to separate the tithe and designate a place for it, but do not give it to the Levite.

And how many reasons were stated in this:

There were those who wanted to say, that following the upheavals of the exiles, the presumption was lost, and there is no Levite who can prove that he is indeed a son of the tribe of Levi.

And since there is no sanctity in the first tithe, but it is a financial obligation, which the Torah obligated the Israelite to separate a tithe from the fruits for the Levite, all monetary laws apply to it.

And in monetary laws, there is a rule that “the one who extracts from his fellow, upon him is the proof,” and as long as the Levite does not bring proof that he is a Levite, we are not obligated to give him the tithe.

However, according to the opinion of the vast majority of the poskim, there is no basis for this claim, for the halacha is that nowadays the money for the redemption of the firstborns is given to the Kohen, and it implies that we rely on the presumption that indeed he is a Kohen.

And so they are accustomed to rely on the presumption regarding blessings, for indeed the priests bless every day the Priestly Blessing, and likewise at the redemption of the firstborn, the father of the son recites a blessing (Chatam Sofer end of Siman 291; Aruch HaShulchan Yoreh De'ah 305:30).

And if so, there is to rely on the presumption also regarding the giving of ‘First Tithe’ to the Levite.

And the ‘Chazon Ish’ wrote that it is not necessary today to give the first tithe to the Levite, because in his opinion the sages decreed that as long as the court does not examine the presumption of lineage, one should not rely on a person’s words regarding the giving of tithes and offerings.

If we rely on their own testimony, the deceivers will increase who will claim they are Levites.

And therefore, according to his opinion, since there is currently no court that examines the presumptions, the first tithe should not be given to the Levite (Shevi'it 5:12).

And despite that this is the opinion of a minority of the poskim, very many are accustomed not to give the first tithe to the Levite (Mitzvot Ha'aretz by Rabbi Kalman Kahana 11, 2; Ha'aretz Umitzvotaha by Rabbi Goldberg Terumot and Ma'aserot 5, 4).

There are those who wrote, that in practice, it is proper to act according to the opinion of most of the poskim and give the first tithe to the Levite, as ruled by the 'Shulchan Aruch' (Yoreh De'ah 331:19), and Responsa Maharit (I, 85), and the Shlah (Sha'ar Ha'otiyot, Kedushat Ha'akhila), and Responsa 'Har Tzvi' (Zeraim I, 107, Olat Re'iyah I, page 350).

And only when there is doubt if tithes and offerings were separated from the fruits, the tithe is separated and not given to the Levite.

And they say to him: "The burden of proof is upon the claimant," bring proof that indeed these fruits are not tithed, and then I will give you the tithe (Peninei Halakha).

As well, it is possible to give the first tithe by means of 'acquaintances of the Levites'[4].

Tithing of the Tithe

As we have learned, two types of offerings are separated for the priest. The first is 'Terumah-Gedolah', which the Israelite himself would give to the priest.

And the second type is 'tithe of the tithe', meaning from that tithe which the Israelite separated for the Levite, the Levite had to separate a tithe, a tenth of what he received, and give it to the priest, and this tithe is called 'tithe of the tithe', because it is the tithe that comes from the tithe that the Levite received.

And since its measure is a tenth of the tithe, behold it is one percent of the total of all the fruits.

And generally, in order to save effort, the Israelite would not separate 'tithes of the tithe' himself, but the Levite would separate a tithe from the tithe he received, and give it to the priest.

However, from the perspective of the law, the Israelite can also separate the tithe for the Levite, and immediately afterwards separate from it the 'tithe of the tithe' for the priest, and give the nine parts of the tithe to the Levite, and the tithe from the tithe to the priest (Rambam Terumot 3, 12).

And thus is the prevalent custom.

However, since the possibility to purify from impurity by the ashes of the red heifer was nullified, it is forbidden for the priests to eat the 'terumah' and the 'tithes of the tithe', because only a pure priest is permitted to eat them, whereas today, we are all considered impure from the dead.

Since we have already learned, that not only one who touched the corpse itself is considered impure, but also one who touched a vessel or garment that the corpse touched is considered impure, and also a person who was in the same house where the corpse was found - becomes impure.

Therefore, no person is pure in our days. And therefore it is forbidden for the priests to eat the terumah, and it should be left aside until it is consumed.

Therefore, at the time of separating the tithes and offerings, we separate a small particle for the 'great offering', and an additional one percent of the fruits for the 'tithe offering'.

And they separate them according to the order, that is, initially they refer to the particle intended for the offering, and say: "What is here in addition to the one percent of the fruits will be 'Terumah-Gedolah'."

(And the remaining percentage will be separated for 'First Tithe', and afterwards from the 'First Tithe' will be separated for 'Tithe of the Tithe').

Afterwards they say: "What is here one percent and nine parts like it from the upper side of the fruits shall be 'First Tithe'".

And they add and say, that the percentage we separated will be 'tithe offering'. And with this, we finish separating all the sacred offerings belonging to the priest.

And since the priest has no possibility to eat them, they leave them until they decompose.

And when it is difficult to find a place to leave them until they decompose on their own, one can wrap them in paper or in a plastic bag and place them in the trash, as the paper will separate between the terumah and the garbage, and thereby placing them in the trash will not constitute a desecration of the terumah (Mitzvot Ha'aretz p. 18).

And there are those who say that the offering should be wrapped in two coverings, and that one of them should not be transparent, such as wrapping them in a plastic bag and in paper (Rabbi Mordechai Eliyahu).

The Rema wrote Yoreh De'ah Shela, 19, that it is good to render the fruits impure before the separation of the tithes, because pure terumah is forbidden to destroy. But if the terumah will be impure, it is permitted to burn and destroy it.

And thus they render impure: they moisten the fruits and touch them with hands, for our hands render the fruits impure. But after the separation of the tithe, it is forbidden to render it impure.

But he should leave it in a place where it will decompose on its own, as I have written above.

As a rule, it is forbidden to give a donation that is fit for human consumption to the priest's animal, because in this it is wasted.

However, nowadays when it is forbidden for priests to eat terumah, when it comes to large quantities, that is, the percentage of terumat ma'aser in a large quantity, it is customary to give the terumah to the animal of a priest (Mishpat Kohen 38, Da'at Kohen 237).

And there are those who prefer to give specifically when the offering is impure (Rabbi Herzog), and there are those who prefer specifically when the offering is pure (the Aderet, Chazon Ish).

And see in "The Separation of Tithes and Offerings in the Public System" by Rabbi Azriel Ariel 1992, p. 98-101.

Ma'aser Sheni

After we have learned the first three stages of separating tithes and offerings, which are: 'Terumah-Gedolah', 'Ma'aser-Rishon', and 'Terumat-Ma'aser'. Now we arrive at the fourth stage which is 'Ma'aser-

Second or 'tithe for the poor', and this is the only tithe that has changes according to the years.

In the first year, the second, the fourth, and the fifth of the Sabbatical cycle - they separate 'Second Tithe', whereas in the third year and the sixth - they separate the 'Tithe for the Poor'.

A prominent uniqueness exists in 'Second Tithe' that it remains in the possession of the owner of the fruits.

Since the terumot are given to the priest, 'the first tithe' to the Levite, and 'the tithe for the poor' to the poor, whereas 'the second tithe' remains in the possession of the owner of the fruits, except that they are sanctified, and must be eaten in purity within the walls of the city of Jerusalem.

In the time when the Temple was standing, the Israelites would go up three times a year for the pilgrimage, and bring with them the fruits of the 'second tithe', and eat them within the walls of the city of Jerusalem in holiness and purity.

And one who was living far from Jerusalem and found it difficult to bring up all the fruits to Jerusalem, was able to redeem (exchange) the fruits of 'the second tithe' for a monetary amount equal to the value of the fruits with an additional fifth (Second Tithe 4:3-4).

And when he went up to Jerusalem, he would buy with the redemption money foods, and eat them within the walls in the manner that the 'second tithe' is eaten in holiness and purity.

In the redemption of the fruits of 'the second tithe', its sanctity transfers to money, and thereafter to foods purchased with it, which become sanctified with the sanctity of 'second tithe'.

And today it is forbidden for us to eat 'Second Tithe', because we are all presumed impure. And in order not to waste the fruits of the 'Second Tithe', we redeem the entire value of the 'Second Tithe' on just one perutah.

And that coin is seized with the sanctity of 'the second tithe', and it must be consumed, because we do not have permission to benefit from it as long as we cannot purify ourselves.

And if a person comes and asks, how do they exchange expensive fruits for one perutah?

We will answer, that indeed for us all the fruits of 'the second tithe' are worth only one perutah, for we cannot benefit from them at all.

In order to desecrate the 'second tithe', each one must have in his house a special coin for this. And each time he will desecrate the fruits on an additional perutah from that coin.

And thus is the order of the redemption: After the completion of the separation, they bless: "Blessed are You, Lord our God, King of the universe, who sanctified us with His commandments and commanded us to redeem the second tithe," and after the blessing, they perform the redemption by saying "This second tithe, it and its fifth, behold it is redeemed on one perutah from the coin that I designated for the redemption of the second tithe."

Tithe for the Poor

In the third and sixth year of the sabbatical years, instead of 'second tithe' they separate 'poor tithe'.

And this is in fact the only tithe that even today everyone separates it just as they separated it at the time when the Temple existed.

For the sacred offerings are forbidden for the priests to eat, and therefore we separate the 'terumah' and destroy it.

And the 'first tithe', indeed according to the opinion of most poskim even today it should be given to the Levite, but we have already learned (above 8) that many are accustomed not to give it to the Levite, because they hold that since there is no court that checks their lineage, it should not be given to them the 'first tithe'.

And the 'second tithe' that needs to be eaten in Jerusalem in purity, we cannot eat, because we do not have the ashes of the red heifer to purify us from our impurity.

And if so, in practice, only 'poor tithe' in the third and sixth year, reaches the poor according to all opinions, as its original purpose.

A poor person is anyone who is not settled in his livelihood, and does not succeed in earning a living that will suffice for the sustenance of his household members. Ideally, one should give the fruits that he separated - to the poor person.

But many times there is difficulty in bringing each time the tithe fruits to the poor. Especially this is difficult for farmers whose amount of 'poor tithe' is large and its distribution to the poor requires much organization.

The solution to this is, to give to one of his poor acquaintances a loan of money that according to the estimate is equal to the value of the 'Ma'aser Ani' fruits for the entire year.

And to conclude with him, that at any time he gives the loan, he will set aside 'tithe for the poor', instead of bringing them to the poor, he will take them for himself in exchange for the repayment of the debt.

And after the fact, when he did not arrange anything with one of his poor acquaintances, or when he does not have a poor acquaintance, and on the other hand there is a concern that by the time he manages to bring the fruits to the poor they will spoil and lose their value, the owner of the fruits can eat them himself, and afterwards give the value of their worth to the poor.

The reason for this is that if he does not eat them, the poor person will lose his portion, and therefore, due to the commandment of returning a lost item, it is proper that the owner of the fruits takes them for himself, and in their place pays the poor person their value (Ha'aretz U'Mitzvoteha Terumot U'Ma'aserot 5:16-17).

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And another thing needs to be known, that only from fruits that certainly have not had tithes and offerings separated from them, one needs to give the tithe to the poor.

But fruits from which, due to doubt, we separate tithes and offerings, even though there is a need to designate a place for fruits intended for 'poor tithe', and to say that 'poor tithe' will be on the south side of the fruits or on any side that is determined, there is no need to give them to the poor, because 'poor tithe' is a monetary obligation, and in every monetary obligation there is a rule - "the burden of proof is on the claimant."

And if so, as long as the poor person does not bring proof that the fruits were indeed not tithed, we are not obligated to give him the 'tithe for the poor', and since there is no sanctity in them, the owner of the fruits is permitted to eat them (Rambam, Laws of Tithes 9:2).

Many of the laws of the first tithe are similar to the laws of terumah, such as: anyone who in terumah should not separate, and if he did separate, his separation is terumah - also in the tithe so, anyone whose separation is not terumah - also in the tithe so, one does not tithe from the obligated on the exempt, from the exempt on the obligated, from the new on the old and from the old on the new (Minchat Chinuch 293-1 [14]).

The one who eats terumah unintentionally

The one who eats terumah unintentionally pays the principal. Tosafot wrote that it is atonement and not monetary (Ketubot 30b s.v. Zar), and the Ra"sh wrote that it is not atonement but monetary (Terumot 6:1 end s.v. Ve'hateshlumin).

If he separated a tithe less than the required amount and did not intend to separate more, that portion which he separated does not take effect and remains complete tevel, since its measure is from the Torah (Mishneh LaMelech, Gifts to the Poor 1:15, s.v. "the rule").

Heave-offering in error does not take effect.

And they investigated whether it is from the law of error in acquisitions, or from the law of his mouth and heart being equal (Shiurei Rabbi Shmuel Makkot page 499 in the note Error: Type:: Book:Shiurei Rabbi Shmuel Makkot Chapter:499 Verse:in the note Scale:Shiurei R Shmuel Makkot Shiurei R Shmuel Makkot 499).

Within the time of speech from the separation, he can retract (and there is also a question in it), and it is not like consecration where retraction within the time of speech does not help (Minchat Chinuch 507-1 [6] s.v. and Terumah).

One does not bless over priestly gifts because they are not his, but rather the priests have acquired from the high table (Responsa of the Rashba Part 1 Error: Type:: Book:Responsa of the Rashba Chapter:Part 1 Verse:18 Reference:Responsa of the Rashba Responsa of the Rashba Part 1).

The portion on what has already been eaten - Tosafot Yom Tov innovated (Gittin 3-8 s.v. harei) that it is possible to separate tithes on what has already been eaten, and the Tosafot Chadashim (there error: type:: book:name chapter: verse: scale:name name) disagreed with him and wrote that it is not possible, as there is nothing on which the separation can take effect.

A priest and a Levite separate and eat themselves terumah and tithe.

And they investigated whether they have no obligation of giving at all, but only separate in order to remove the prohibition of tevel, or if they have an obligation of giving and give to themselves, that through the separation it becomes the property of the tribe and they acquire it for themselves (Apikey Yam Vol. 2, 12.

Rabbi Shmuel's Lessons Makkot page 505 (only regarding the priest's terumah and not the Levite's tithe))s Error: Type:: Book: Afikei Yam Vol. 2 12.

Rabbi Shmuel's lessons Makkot 506 (only regarding the priest's terumah and not the tithe chapter:of verse:Levi Sekel:Afikei Yam Vol. 2 12.

Rabbi Shmuel's lessons Makkot 506 (only regarding the priest's terumah and not tithe Apikey Yam Vol. 2 12. Rabbi Shmuel's lessons Makkot 506 (only regarding the priest's terumah and not tithe of.

Acquisition of money of the priest, such as his slave, eats terumah because of him.

And wrote the Avnei Miluim (in Responsa 17, beginning with "And behold, seemingly" error: type:: book:Responsa chapter:17 verse: error:Responsa in Responsa 17) that in this matter, they follow the acquisition of prohibition and not the acquisition of property (whether to eat or to disqualify).

And so it is written (there s.v. and I wrote error: type:: book:name chapter: verse: scale:name name) that the betrothed does not have a monetary acquisition in his betrothed, but only an acquisition of prohibition, that she is forbidden forever because of him, and she is called "his monetary acquisition" because this acquisition of prohibition is acquired by him through money.

In the measure of the prohibition of eating the second tithe outside of Jerusalem, the Minchat Chinuch (Temb-A [7]s Error: Type:: Book:Temb-A Chapter:[7] Verse: Scale:Temb A Temb A [7]) was uncertain whether it is in an olive's bulk like all prohibitions of eating, or since there is also a positive commandment (and you shall bind up the money in your hand) he transgresses a negative derived from a positive even in any amount.

The holiness spread (one who tithes half a wheat) - The Kovez Shiurim (Kiddushin 42 at the end) was uncertain whether the tithe spread throughout the entire wheat, and also added that it is possible that spreading is only applicable to living beings that derive benefit from one another.

However, the Kuntresi Shiurim holds that it did not spread, because spreading applies only in sanctities where the half that is sanctified cannot exist in its sanctity without the other half (Kiddushin 11-8 s.v. Uvameh).

Desecration of Second Tithe - Said Rabbi Chaim of Brisk that it does not require the laws of acquisition (and only regarding the desecration of sacred things he holds that it requires the laws of acquisition, for from the verse "and he shall give the money and it shall be assured to him" we learn the acquisition of money in movables error: type:: book:and only regarding the desecration of sacred things he holds that it requires the laws of acquisition for from the verse "and he shall give the money and it shall be assured to him" we learn the acquisition chapter:money verse:in movables error:and only regarding the desecration of

sacred things he holds that it requires the laws of acquisition for from the verse “and he shall give the money and it shall be assured to him” we learn the acquisition and only regarding the desecration of sacred things he holds that it requires the laws of acquisition for from the verse “and he shall give the money and it shall be assured to him” we learn the acquisition of money).

And the Kovetz Shiurim explained (Part 2, Chapter 20, Error: Type:: Book:Part 2 Chapter:20 Verse: Scale:Part 2 Part 2 20) that in Maaser Sheni the acquisition stems from the sanctity, and therefore the laws of acquisition are not needed in its redemption.

The heave offering of the tithe of the homeowner can be separated while the tithe is still in his possession - and they investigated whether it is because he is the owner as long as the tithe is in his possession, or by the law of agency for the Levite (that the Torah innovated that he can separate for him) (Kuntresi Shiurim Nedarim 1-11 beginning with “And behold” error: type:: book:Kuntresi Shiurim chapter:Nedarim verse:1 scale:Kuntresi Shiurim Kuntresi Shiurim Nedarim).

They instituted by rabbinic decree terumah and tithe in Syria and in places adjacent to the land.

And Rav Chaim divided that in Syria the decree is that Syria is considered as the Land of Israel, but in places adjacent to the land (such as Shinar) the decree is that there is an obligation of tithes and offerings even though it is outside the land (Rav Chaim on the Rambam, Tithes 1:22, s.v. “and it appears”, and in Stencil Ratzbas Error: Type:: Book: Rav Chaim on the Rambam Chapter: Tithes Verse: 1 Scale: Rav Chaim on the Rambam Rav Chaim on the Rambam Tithes).

Meduma

A mixture of non-sacred with heave offering - it is forbidden to eat it.

In its origin, there are three approaches (Kuntresi Shiurim Bava Kamma 6-11):

by Torah law,

by Rabbinic law,

The measure of one hundred and one is from the Torah, and the law that the non-sacred becomes terumah is from the Rabbis.

In its essence, they investigated whether the non-sacred themselves are permitted, and it is only forbidden to eat them due to the concern that it might harm the terumah (like other mixtures of prohibition in permission), or whether the non-sacred themselves become like terumah (Kuntresi Shiurim Bava Kamma 6-10: Dispute of the Rishonim, Berkat Avraham Pesachim 37).

D"H And it appears error: type:: book:Kuntresi Shiurim Bava Kama 6-10: Dispute of the Rishonim Birkas Avraham Chapter:Pesachim Verse:37.

Skal: Kuntresi Shiurim Bava Kamma 6: Dispute of the Rishonim Birkas Avraham Kuntresi Shiurim Bava Kamma 6: Dispute of the Rishonim Birkas Avraham Pesachim).

Recitation of a Short Version According to the 'Chazon Ish'

In order to fulfill the commandment of separating tithes and offerings, one must thoroughly understand the meaning of separating tithes and offerings as it is expressed in the text.

That is to say, one must understand what is 'Terumah Gedolah' and what is 'Terumat Ma'aser', what is 'Ma'aser Rishon' and what is 'Ma'aser Sheni' or 'Ma'aser Ani'.

And indeed, at first glance, the matters seem complicated, but after studying them once thoroughly, the matter seems quite simple.

And indeed, the 'Chazon Ish' held, that in order to separate tithes and offerings there is no necessity to understand the formula of separation, and even there is no necessity to read it.

And a person who is not able to say the text of the separation, because he does not know how to read, or because he does not understand the text, and he does not know at all what is terumah and what is tithe, can suffice after the fact with a statement that expresses a general desire to separate terumot and ma'aserot according to the law.

And thus he shall do: He shall separate more than one percent of the fruits for 'Terumah' and 'Terumat Ma'aser', and in the years of Ma'aser Sheni, he shall place a coin for the redemption of 'Ma'aser Sheni', and he shall say: "All the separations and redemption of Ma'aser Sheni shall be as written in the formula in my possession", and with this, he fulfills the obligation of separating Terumot and Ma'asrot according to the opinion of the 'Chazon Ish' (Chazon Ish Demai 15, 6; Minchat Yitzchak 1, 85).

However, some of the great halachic authorities, among them Rabbi Tzvi Pesach Frank, who was the rabbi of Jerusalem, strongly disagreed with the 'Chazon Ish', and in their opinion, one does not fulfill the obligation of separating tithes and offerings except by reciting the entire formula of separating tithes and offerings, with understanding of what is said (Har Tzvi Zeraim Vol. 1 53, 1).

And Rabbi Tzvi Yehuda Kook of blessed memory was so particular about this matter, that when he would encounter in the prayer book of one of his students the mention of the leniency of the 'Chazon-Ish', which allowed the separation of tithes without reciting the entire formula, he would erase this advice from the prayer book, so that people would not stumble in it.

And therefore, in practice, one must learn and understand the meaning of the formula of separating tithes and offerings, in order to merit this important commandment, and not to eat untithed fruits, and for this purpose, we will dedicate the following law.

(At a time of need, when there is no choice, one can rely on the leniency of the 'Chazon Ish' since nowadays the commandments of tithes and offerings are rabbinic).

See also

[Dough](#)

[Unprocessed produce](#)

[Goodness of enjoyment](#)

[Familiar with the priesthood](#)

External Links

[Lesson of Rabbi Eliezer Melamed on Tithes and Offerings from the Yeshiva site](#)

[Tithes and offerings on the Institute for Mitzvot Dependent on the Land website](#)

[Formula for the Separation of Tithes and Offerings](#)

Footnotes

1. ↑ In the case of an agent who does not know what the homeowner usually donates, he should donate an average amount - $\frac{1}{50}$, and if he added or subtracted, he can say to the homeowner "I estimated you thus." A guardian does not donate from the property of orphans except a poor amount - $\frac{1}{60}$
2. ↑ See below in the section "Details of the Law" under the heading "The Sanctity Spread."
3. ↑ The distinction between thought and consent and the practical differences between them are discussed in the entry on thought and consent.
4. ↑ There is an option to transfer the first tithe to 'acquaintances of the Levites' at the treasury of the Torah and Land Institute.

https://www.yeshiva.org.il/wiki/index.php/%D7%A8%D7%95%D7%9E%D7%95%D7%AA_%D7%95%D7%9E%D7%A2%D7%A9%D7%A8%D7%95%D7%AA